

REMARKS**Summary of the Office Action**

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by admitted prior art Japanese Patent No. 03-025930 (“’930 Patent”).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘930 Patent in view of Japanese Patent No. 03-025931 (“’931 Patent”).

Summary of the Response to the Office Action

Claims 1-4 are pending for consideration. Claims 1 and 2 have been amended.

Examiner’s Comments

The Office Action explained that “while the amendments to claim two have remedied the issue of indefiniteness, the claim still fails to further limit the structure of the apparatus”

Claim two has been amended to further limit the structure of the apparatus.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by admitted prior art Japanese Patent No. 03-025930 (“’930 Patent”). Applicants respectfully traverse the rejection.

To reiterate the arguments from the last response:

In JP ‘930, the movable cutter 26 (42) is movable, and the fixed cutter 41 (47) is not movable. Therefore, JP ‘930 does not disclose or suggest “wherein the cutter unit comprises a fixed cutter and a movable cutter, the cutter unit is arranged slidably” of the amended claim 1. That is, according to claim 1, it is required that the fixed cutter is also slid with the current unit. However, in JP ‘930 the fixed

cutter is not movable. Therefore, JP '930 does not disclose or suggest this feature of claim 1.

Claim 1 has been amended to more explicitly recite that "both the fixed cutter and the movable cutter are slidable with the cutter unit." There is no indication in JP '930 that fixed cutters 41 or 47 move during operation of the stapler – hence the term "fixed cutters." In contrast, claim 1 recites that the "fixed" cutter and the "movable" cutter move together with the cutter unit. From the disclosure of JP '930, it appears that the only way to move the fixed and movable cutters as a unit is by moving the entire stapler. Thus, the fixed and movable cutters of JP '930 cannot be moved as a unit in relation to the operation region of the movable clincher, as recited in claim 1.

For at least the reasons above, Applicants respectfully request that the rejection of claim 1 and its dependent claims 2-4 under 35 U.S.C. § 102(b) as being anticipated by admitted prior art Japanese Patent No. 03-025930 ("930 Patent") be withdrawn.

Applicants submit that all pending claims are in condition for allowance. Allowance of claims 1-4 is earnestly solicited.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.114 be entered by the Examiner, placing all pending claims in condition for allowance. Applicants submit that the claim amendments do not raise new issues or necessitate additional search of the art by the Examiner.

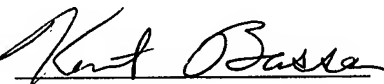
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 25, 2007

By: 
Kent Basson
Registration No. 48,125

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202.739.3000